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COPYRIGHT IN ENGLAND

ACT 1 AND 2 GEO. 5. CH. 46

AN ACT TO AMEND AND CONSOLIDATE
THE LAW RELATING TO COPYRIGHT,
PASSED DECEMBER 16, 1911

INDEXED PRINT

COPYRIGHT OFFICE
BULLETIN No. 16

WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

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The Copyright Law of the United States of America, being the Act of March 4, 1909 (in force July 1, 1909), together with Rules for Practice and Procedure under Section 25, by the Supreme Court of the United States. iii, 45 pp. 8°. 1912.

BULLETIN No. 15.

Rules and Regulations for the registration of claims to copyright. 27 pp. 8°. 1910.

BULLETIN No. 16.

Copyright in England. Act 1 and 2 Geo. 5. ch. 46. An Act to amend and consolidate the law relating to copyright, passed December 16, 1911. 54 pp. 8°. 1912.

INFORMATION CIRCULAR No. 4.

International Copyright Convention. Berne, 1886, and Amendments agreed to at Paris, 1896. 15, pp. 4°.

INFORMATION CIRCULAR, No. 4 A.

International Copyright Convention. Revised text, Berlin, 1908. 12 pp. 4°.

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Copyright Enactments of the United States, 1783-1906. 2d ed., rev. 174 pp. 8°. 1906.

BULLETIN No. 6. Paper, 10c.

Copyright in Canada and Newfoundland. 1+126 pp. 8°. 1903.

BULLETIN No. 7. Paper, 5c.

Foreign Copyright Laws. A list of foreign copyright laws now in force, with citations of printed texts and translations, etc. 86 pp. 8°. 1904.

BULLETIN No. 8. Cloth, 65c.

Copyright in Congress, 1789-1904. A bibliography, and chronological record of all proceedings in Congress in relation to copyright. 468 pp. 8°. 1905.

BULLETIN No. 9. Paper, 5c.

The Provisions of the United States Copyright Laws with a summary of some parallel provisions of the copyright laws of foreign countries. 51 pp. 4°. 1905.

BULLETIN No. 11. Paper, 10c.

Copyright in Japan. Law of March 3, 1899, and copyright convention between the United States and Japan, May 10, 1906, together with the text of earlier enactments. v+50 pp. 8°. 1906.

BULLETIN No. 12. Paper, 15c.

The Copyright bill (S. 6330; H. R. 19853) compared with copyright statutes now in force and earlier copyright enactments. 86 pp. 4°. 1906.

BULLETIN No. 13. Paper, 10c.

International Copyright Union. Berne convention, 1886; Paris convention, 1896; Berlin convention, 1908. Report of [Thorvald Solberg] the delegate of the United States to the International conference for the revision of the Berne Copyright Convention, held at Berlin, Germany, October 14 to November 14, 1908. 69 pp. 4°. 1908.

REPORT on Copyright Legislation, by the Register of Copyrights, with list of United States copyright laws, Revised Statutes relating to copyrights, with subsequent enactments, and list of foreign copyright laws. 159 pp. 8°. 1904. Cloth, 30c.

NOTE.—Bulletins Nos. 1, 2, 4, and 5 have been superseded; Bulletin No. 10 is exhausted.

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PREFATORY NOTE.

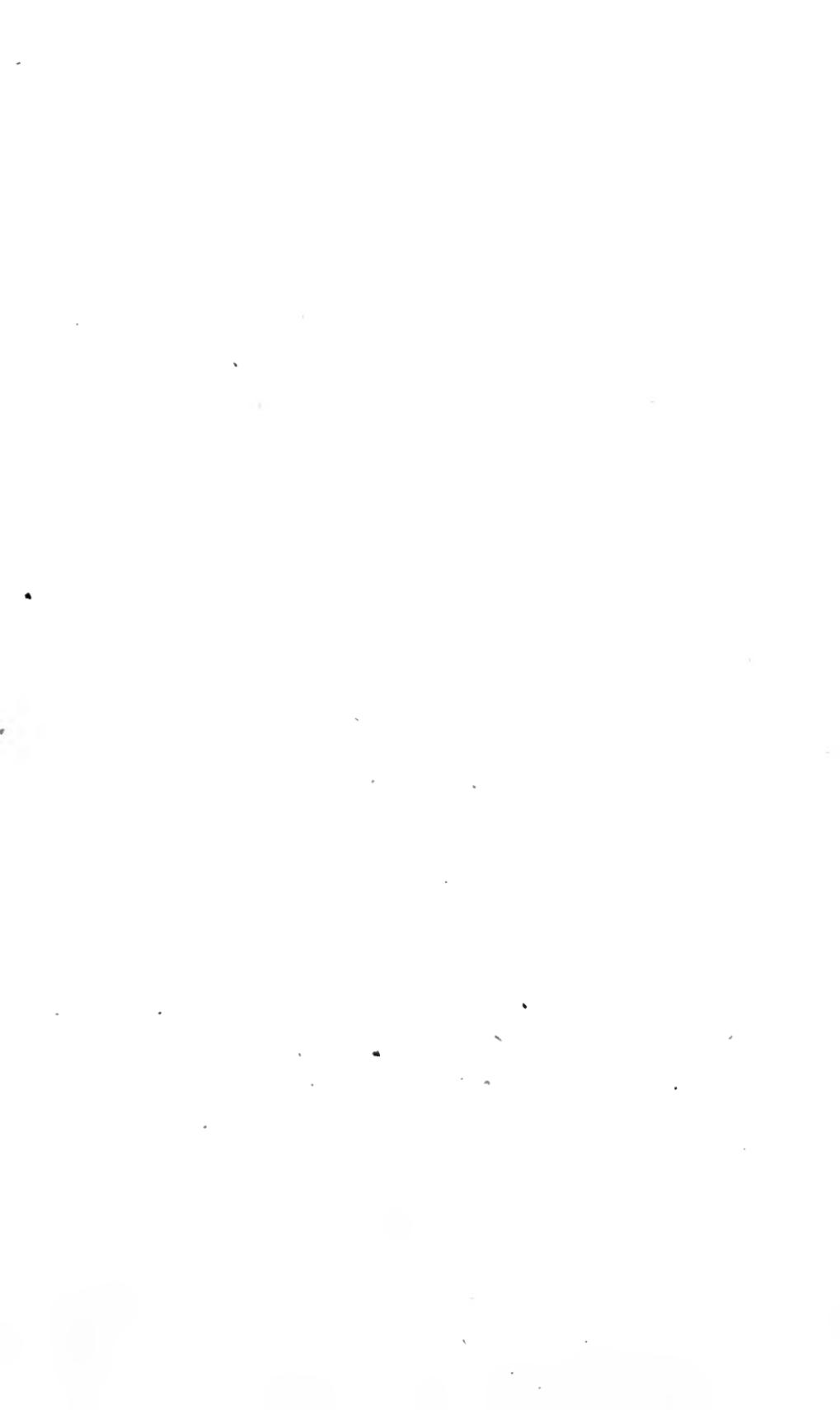
The new copyright act of Great Britain was passed on December 16, 1911. It is a most important piece of copyright legislation and has been awaited with eager and widespread interest.

It is to come into operation in the United Kingdom on July 1, 1912, or on such earlier date as may be fixed by Order in Council. The act will also come into effect in the case of the British possessions by action of the legislative body or a governor's proclamation.

As addenda have been added such previous copyright statutes as are not repealed by the new act.

THORVALD SOLBERG,
Register of Copyrights.

APRIL 22, 1912.



COPYRIGHT ACT, 1911.

[1 and 2 Geo. 5. Ch. 46.]

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1 & 2 GEO. 5. CH. 46.

COPYRIGHT ACT, 1911.

CHAPTER 46.

5 AN ACT to amend and consolidate the Law relating to Copyright.
[16th December 1911.]

*Be it enacted by the King's most Excellent Majesty, by
and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament
assembled, and by the authority of the same, as follows:*

10

PART I.

IMPERIAL COPYRIGHT.

RIGHTS.

15 1. (1) Subject to the provisions of this Act, copyright shall subsist throughout the parts of His Majesty's dominions to which this Act extends for the term herein-after mentioned in every original literary dramatic musical and artistic work, if—

Copyright
secured.

20 (a) in the case of a published work, the work was first published within such parts of His Majesty's dominions as aforesaid; and

(b) in the case of an unpublished work, the author was at the date of the making of the work a British subject or resident within such parts of His Majesty's dominions as aforesaid;

25 but in no other works, except so far as the protection conferred by this Act is extended by Orders in Council thereunder relating to self-governing dominions to which this Act does not extend and to foreign countries.

30 (2) For the purposes of this Act, "copyright" means the sole right to produce or reproduce the work or any substantial part thereof in any material form whatsoever, to perform, or in the case of a lecture to deliver, the work or any substantial part thereof in public; if the work is

Copyright
defined.

unpublished, to publish the work or any substantial part thereof; and shall include the sole right,—

- (a) to produce, reproduce, perform, or publish any translation of the work;
- (b) in the case of a dramatic work, to convert it into a novel or other non-dramatic work;
- (c) in the case of a novel or other non-dramatic work, or of an artistic work, to convert it into a dramatic work, by way of performance in public or otherwise;
- (d) in the case of a literary, dramatic, or musical work, to make any record, perforated roll, cinematograph film, or other contrivance by means of which the work may be mechanically performed or delivered,

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and to authorise any such acts as aforesaid.

Publication defined.

(3) For the purposes of this Act, publication, in relation to any work, means the issue of copies of the work to the public, and does not include the performance in public of a dramatic or musical work, the delivery in public of a lecture, the exhibition in public of an artistic work, or the construction of an architectural work of art, but, for the purposes of this provision, the issue of photographs and engravings of works of sculpture and architectural works of art shall not be deemed to be publication of such works.

Infringement of copyright.

2. (1) Copyright in a work shall be deemed to be infringed by any person who, without the consent of the owner of the copyright, does anything the sole right to do which is by this Act conferred on the owner of the copyright: Provided that the following acts shall not constitute an infringement of copyright:

- (i) Any fair dealing with any work for the purposes of private study, research, criticism, review, or newspaper summary;
- (ii) Where the author of an artistic work is not the owner of the copyright therein, the use by the author of any mould, cast, sketch, plan, model, or study made by him for the purpose of the work, provided that he does not thereby repeat or imitate the main design of that work;
- (iii) The making or publishing of paintings, drawings, engravings, or photographs of a work of sculpture or artistic craftsmanship, if permanently situate in a public place or building, or the

Acts which do not infringe copyright.

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making or publishing of paintings, drawings, engravings, or photographs (which are not in the nature of architectural drawings or plans) of any architectural work of art:

5 (iv) The publication in a collection, mainly composed of non-copyright matter, bona fide intended for the use of schools, and so described in the title and in any advertisements issued by the publisher, of short passages from published literary works not themselves published for the use of schools in which copyright subsists: Provided that not more than two of such passages from works by the same author are published by the same publisher within five years, and that the source from which such passages are taken is acknowledged:

10 (v) The publication in a newspaper of a report of a lecture delivered in public, unless the report is prohibited by conspicuous written or printed notice affixed before and maintained during the lecture at or about the main entrance of the building in which the lecture is given, and, except whilst the building is being used for public worship, in a position near the lecturer; but nothing in this paragraph shall affect the provisions in paragraph (i) as to newspaper summaries:

15 (vi) The reading or recitation in public by one person of any reasonable extract from any published work.

20 (2) Copyright in a work shall also be deemed to be infringed by any person who—

25 (a) sells or lets for hire, or by way of trade exposes or offers for sale or hire; or

30 (b) distributes either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or

35 (c) by way of trade exhibits in public; or

40 (d) imports for sale or hire into any part of His Majesty's dominions to which this Act extends,

any work which to his knowledge infringes copyright or would infringe copyright if it had been made within the part of His Majesty's dominions in or into which the sale or hiring, exposure, offering for sale or hire, distribution, exhibition, or importation took place.

Acts which
infringe copy-
right.

(3) Copyright in a work shall also be deemed to be infringed by any person who for his private profit permits a theatre or other place of entertainment to be used for the performance in public of the work without the consent of the owner of the copyright, unless he was not aware, 5 and had no reasonable ground for suspecting, that the performance would be an infringement of copyright.

Term of copy-
right.

3. The term for which copyright shall subsist shall, except as otherwise expressly provided by this Act, be the life of the author and a period of fifty years after his 10 death:

Provided that at any time after the expiration of twenty-five years, or in the case of a work in which copyright subsists at the passing of this Act thirty years, from the death of the author of a published work, copyright 15 in the work shall not be deemed to be infringed by the reproduction of the work for sale if the person reproducing the work proves that he has given the prescribed notice in writing of his intention to reproduce the work, and that he has paid in the prescribed manner to, or for the 20 benefit of, the owner of the copyright royalties in respect of all copies of the work sold by him calculated at the rate of ten per cent. on the price at which he publishes the work; and, for the purposes of this proviso, the Board of Trade may make regulations prescribing the mode in 25 which notices are to be given, and the particulars to be given in such notices, and the mode, time, and frequency of the payment of royalties, including (if they think fit) regulations requiring payment in advance or otherwise securing the payment of royalties. 30

Compulsory
licences.

4. If at any time after the death of the author of a literary, dramatic, or musical work which has been published or performed in public a complaint is made to the Judicial Committee of the Privy Council that the owner of the copyright in the work has refused to republish or 35 to allow the republication of the work or has refused to allow the performance in public of the work, and that by reason of such refusal the work is withheld from the public, the owner of the copyright may be ordered to grant a licence to reproduce the work or perform the 40 work in public, as the case may be, on such terms and subject to such conditions as the Judicial Committee may think fit.

5. (1) Subject to the provisions of this Act, the author
of a work shall be the first owner of the copyright therein:

Ownership of
copyright, etc.

Provided that—

5 (a) where, in the case of an engraving, photograph, or
 portrait, the plate or other original was ordered
 by some other person and was made for valuable
 consideration in pursuance of that order, then,
 in the absence of any agreement to the contrary,
 the person by whom such plate or other original
 was ordered shall be the first owner of the copy-
 right; and

Engraving,
photograph, or
portrait.

10 (b) where the author was in the employment of some
 other person under a contract of service or
 apprenticeship and the work was made in the
 course of his employment by that person, the
 person by whom the author was employed shall,
 in the absence of any agreement to the contrary,
 be the first owner of the copyright, but where
 the work is an article or other contribution to a
 newspaper, magazine, or similar periodical, there
 shall, in the absence of any agreement to the contrary,
 be deemed to be reserved to the author
 a right to restrain the publication of the work,
 otherwise than as part of a newspaper, maga-
 zine, or similar periodical.

Person who
employs au-
thor, etc.

15 (2) The owner of the copyright in any work may
 assign the right, either wholly or partially, and either
 generally or subject to limitations to the United Kingdom
 or any self-governing dominion or other part of His
 30 Majesty's dominions to which this Act extends, and
 either for the whole term of the copyright or for any part
 thereof, and may grant any interest in the right by
 licence, but no such assignment or grant shall be valid
 unless it is in writing signed by the owner of the right in
 35 respect of which the assignment or grant is made, or by
 his duly authorized agent:

Assignment
of copyright.

Provided that, where the author of a work is the first
owner of the copyright therein, no assignment of the
copyright, and no grant of any interest therein, made by
40 him (otherwise than by will) after the passing of this Act,
shall be operative to vest in the assignee or grantee any
rights with respect to the copyright in the work beyond
the expiration of twenty-five years from the death of the
author, and the reversionary interest in the copyright
45 expectant on the termination of that period shall, on the

Copyright
not assignable
beyond 25 years
after author's
death.

death of the author, notwithstanding any agreement to the contrary, devolve on his legal personal representatives as part of his estate, and any agreement entered into by him as to the disposition of such reversionary interest shall be null and void, but nothing in this proviso shall be construed as applying to the assignment of the copyright in a collective work or a licence to publish a work or part of a work as part of a collective work.

Divided ownership.

(3) Where, under any partial assignment of copyright, the assignee becomes entitled to any right comprised in copyright, the assignee as respects the right so assigned, and the assignor as respects the rights not assigned, shall be treated for the purposes of this Act as the owner of the copyright, and the provisions of this Act shall have effect accordingly.

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CIVIL REMEDIES.

Civil remedies for infringement of copyright.

6. (1) Where copyright in any work has been infringed, the owner of the copyright shall, except as otherwise provided by this Act, be entitled to all such remedies 20 by way of injunction or interdict, damages, accounts, and otherwise, as are or may be conferred by law for the infringement of a right.

(2) The costs of all parties in any proceedings in respect of the infringement of copyright shall be in the 25 absolute discretion of the Court.

Prima facie ownership, etc.

(3) In any action for infringement of copyright in any work, the work shall be presumed to be a work in which copyright subsists and the plaintiff shall be presumed to be the owner of the copyright, unless the defendant puts 30 in issue the existence of the copyright, or, as the case may be, the title of the plaintiff, and where any such question is in issue, then—

Author as stated on work.

(a) if a name purporting to be that of the author of the work is printed or otherwise indicated thereon 35 in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the author of the work;

Publisher, when author's name is not printed.

(b) if no name is so printed or indicated, or if the name 40 so printed or indicated is not the author's true name or the name by which he is commonly known, and a name purporting to be that of the publisher or proprietor of the work is printed or otherwise indicated thereon in the usual manner. 45

the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the owner of the copyright in the work for the purposes of proceedings in respect of the infringement of copyright therein.

5 7. All infringing copies of any work in which copyright subsists, or of any substantial part thereof, and all plates used or intended to be used for the production of such infringing copies, shall be deemed to be the property of the 10 owner of the copyright, who accordingly may take proceedings for the recovery of the possession thereof or in respect of the conversion thereof.

15 8. Where proceedings are taken in respect of the infringement of the copyright in any work and the defendant in his defence alleges that he was not aware of the existence of the copyright in the work, the plaintiff shall not be entitled to any remedy other than an injunction or interdict in respect of the infringement if the defendant proves that at the date of the infringement he was not 20 aware and had no reasonable ground for suspecting that copyright subsisted in the work.

25 9. (1) Where the construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work has been commenced, the owner of the copyright shall not be entitled to obtain an injunction or interdict to restrain the construction of such building or structure or to order its demolition.

30 (2) Such of the other provisions of this Act as provide that an infringing copy of a work shall be deemed to be the property of the owner of the copyright, or as impose summary penalties, shall not apply in any case to which this section applies.

35 10. An action in respect of infringement of copyright shall not be commenced after the expiration of three years next after the infringement.

Rights of owner against persons possessing or dealing with infringing copies, etc.

Exemption of innocent infringer from liability to pay damages, etc.

Restriction on remedies in the case of architecture.

Limitation of actions.

SUMMARY REMEDIES.

11. (1) If any person knowingly—

- (a) makes for sale or hire any infringing copy of a work in which copyright subsists; or
- (b) sell or lets for hire, or by way of trade exposes or offers for sale or hire any infringing copy of any such work; or

Penalties for dealing with infringing copies, etc.

- (c) distributes infringing copies of any such work either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or
- (d) by way of trade exhibits in public any infringing copy of any such work; or
- (e) imports for sale or hire into the United Kingdom any infringing copy of any such work:

he shall be guilty of an offence under this Act and be liable on summary conviction to a fine not exceeding 10 forty shillings for every copy dealt with in contravention of this section, but not exceeding fifty pounds in respect of the same transaction; or, in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not 15 exceeding two months.

(2) If any person knowingly makes or has in his possession any plate for the purpose of making infringing copies of any work in which copyright subsists, or knowingly and for his private profit causes any such work to be 20 performed in public without the consent of the owner of the copyright, he shall be guilty of an offence under this Act, and be liable on summary conviction to a fine not exceeding fifty pounds, or, in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not exceeding 25 two months.

(3) The court before which any such proceedings are taken may, whether the alleged offender is convicted or not, order that all copies of the work or all plates in the 30 possession of the alleged offender, which appear to it to be infringing copies or plates for the purpose of making infringing copies, be destroyed or delivered up to the owner of the copyright or otherwise dealt with as the court may think fit. 35

² Edw. 7. c. 15.

⁶ Edw. 7. c. 36.

(4) Nothing in this section shall, as respects musical works, affect the provisions of the Musical (Summary Proceedings) Copyright Act, 1902, or the Musical Copyright Act, 1906.

12. Any person aggrieved by a summary conviction of 40 an offence under the foregoing provisions of this Act may in England and Ireland appeal to a court of quarter sessions and in Scotland under and in terms of the Summary Jurisdiction (Scotland) Acts.

13. The provisions of this Act with respect to summary 45 remedies shall extend only to the United Kingdom.

IMPORTATION OF COPIES.

14. (1) Copies made out of the United Kingdom of any work in which copyright subsists which if made in the United Kingdom would infringe copyright, and as to which the owner of the copyright gives notice in writing by himself or his agent to the Commissioners of Customs and Excise, that he is desirous that such copies should not be imported into the United Kingdom, shall not be so imported, and shall, subject to the provisions of this section, be deemed to be included in the table of prohibitions and restrictions contained in section forty-two of the Customs Consolidation Act, 1876, and that section shall apply accordingly.

Importation
of copies.

(2) Before detaining any such copies or taking any further proceedings with a view to the forfeiture thereof under the law relating to the Customs, the Commissioners of Customs and Excise may require the regulations under this section, whether as to information, conditions, or other matters, to be complied with, and may satisfy themselves in accordance with those regulations that the copies are such as are prohibited by this section to be imported.

39 & 40 Vict.
c. 36.

(3) The Commissioners of Customs and Excise may make regulations, either general or special, respecting the detention and forfeiture of copies the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention and forfeiture, and may, by such regulations, determine the information, notices, and security to be given, and the evidence requisite for any of the purposes of this section, and the mode of verification of such evidence.

Regulations
by Commissi-
oners of Cus-
toms.

(4) The regulations may apply to copies of all works the importation of copies of which is prohibited by this section, or different regulations may be made respecting different classes of such works.

(5) The regulations may provide for the informant reimbursing the Commissioners of Customs and Excise all expenses and damages incurred in respect of any detention made on his information, and of any proceedings consequent on such detention; and may provide for notices under any enactment repealed by this Act being treated as notices given under this section.

(6) The foregoing provisions of this section shall have effect as if they were part of the Customs Consolidation

Act, 1876: Provided that, notwithstanding anything in that Act, the Isle of Man shall not be treated as part of the United Kingdom for the purposes of this section.

(7) This section shall, with the necessary modifications, apply to the importation into a British possession to which this Act extends of copies of works made out of that possession. 5

DELIVERY OF BOOKS TO LIBRARIES.

Delivery of
copies to British
Museum and
other libraries.

15. (1) The publisher of every book published in the United Kingdom shall, within one month after the publication, deliver, at his own expense, a copy of the book to the trustees of the British Museum, who shall give a written receipt for it. 10

(2) He shall also, if written demand is made before the expiration of twelve months after publication, deliver 15 within one month after receipt of that written demand or, if the demand was made before publication, within one month after publication, to some dépôt in London named in the demand a copy of the book for, or in accordance with the directions of, the authority having the control of 20 each of the following libraries, namely: the Bodleian Library, Oxford, the University Library, Cambridge, the Library of the Faculty of Advocates at Edinburgh, and the Library of Trinity College, Dublin, and subject to the provisions of this section the National Library of 25 Wales. In the case of an encyclopædia, newspaper, review, magazine, or work published in a series of numbers or parts, the written demand may include all numbers or parts of the work which may be subsequently published. 30

British Mu-
seum copies.

(3) The copy delivered to the trustees of the British Museum shall be a copy of the whole book with all maps and illustrations belonging thereto, finished and coloured in the same manner as the best copies of the book are published, and shall be bound, sewed, or stitched together, 35 and on the best paper on which the book is printed.

(4) The copy delivered for the other authorities mentioned in this section shall be on the paper on which the largest number of copies of the book is printed for sale, and shall be in the like condition as the books prepared 40 for sale.

National Li-
brary of Wales.

(5) The books of which copies are to be delivered to the National Library of Wales shall not include books of

such classes as may be specified in regulations to be made by the Board of Trade.

(6) If a publisher fails to comply with this section, he shall be liable on summary conviction to a fine not exceeding five pounds and the value of the book, and the fine shall be paid to the trustees or authority to whom the book ought to have been delivered.

(7) For the purposes of this section, the expression "book" includes every part or division of a book, pamphlet, sheet of letter-press, sheet of music, map, plan, chart or table separately published, but shall not include any second or subsequent edition of a book unless such edition contains additions or alterations either in the letterpress or in the maps, prints, or other engravings belonging thereto.

Book defined.

SPECIAL PROVISIONS AS TO CERTAIN WORKS.

16. (1) In the case of a work of joint authorship, copyright shall subsist during the life of the author who first dies and for a term of fifty years after his death, or during the life of the author who dies last, whichever period is the longer, and references in this Act to the period after the expiration of any specified number of years from the death of the author shall be construed as references to the period after the expiration of the like number of years from the death of the author who dies first or after the death of the author who dies last, whichever period may be the shorter, and in the provisions of this Act with respect to the grant of compulsory licences a reference to the date of the death of the author who dies last shall be substituted for the reference to the date of the death of the author.

Works of joint authors.

(2) Where, in the case of a work of joint authorship, some one or more of the joint authors do not satisfy the conditions conferring copyright laid down by this Act, the work shall be treated for the purposes of this Act as if the other author or authors had been the sole author or authors thereof:

Provided that the term of the copyright shall be the same as it would have been if all the authors had satisfied such conditions as aforesaid.

Term of copyright.

(3) For the purposes of this Act, "a work of joint authorship" means a work produced by the collaboration of two or more authors in which the contribution of one

Work of joint authorship defined.

author is not distinct from the contribution of the other author or authors.

MARRIED
WOMAN AS JOINT
AUTHOR.

(4) Where a married woman and her husband are joint authors of a work the interest of such married woman therein shall be her separate property. 5

POSTHUMOUS
WORKS.

17. (1) In the case of a literary dramatic or musical work, or an engraving, in which copyright subsists at the date of the death of the author or, in the case of a work of joint authorship, at or immediately before the date of the death of the author who dies last, but which has not been published, nor, in the case of a dramatic or musical work, been performed in public, nor, in the case of a lecture, been delivered in public, before that date, copyright shall subsist till publication, or performance or delivery in public, whichever may first happen, and for a term of 15 fifty years thereafter, and the proviso to section three of this Act shall, in the case of such a work, apply as if the author had died at the date of such publication or performance or delivery in public as aforesaid. 10

(2) The ownership of an author's manuscript after his death, where such ownership has been acquired under a testamentary disposition made by the author and the manuscript is of a work which has not been published nor performed in public nor delivered in public, shall be prima facie proof of the copyright being with the owner 25 of the manuscript.

PROVISIONS AS
TO GOVERN-
MENT PUBLICA-
TIONS.

18. Without prejudice to any rights or privileges of the Crown, where any work has, whether before or after the commencement of this Act, been prepared or published by or under the direction or control of His Majesty 30 or any Government department, the copyright in the work shall, subject to any agreement with the author, belong to His Majesty, and in such case shall continue for a period of fifty years from the date of the first publication of the work. 35

PROVISIONS AS
TO MECHANICAL
INSTRUMENTS.

19. (1) Copyright shall subsist in records, perforated rolls, and other contrivances by means of which sounds may be mechanically reproduced, in like manner as if such contrivances were musical works, but the term of copyright shall be fifty years from the making of the 40 original plate from which the contrivance was directly or indirectly derived, and the person who was the owner of such original plate at the time when such plate was made shall be deemed to be the author of the work, and, where

such owner is a body corporate, the body corporate shall be deemed for the purposes of this Act to reside within the parts of His Majesty's dominions to which this Act extends if it has established a place of business within 5 such parts.

(2) It shall not be deemed to be an infringement of copyright in any musical work for any person to make within the parts of His Majesty's dominions to which this Act extends records, perforated rolls, or other contrivances by means of which the work may be mechanically performed, if such person proves—

- (a) that such contrivances have previously been made by, or with the consent or acquiescence of, the owner of the copyright in the work; and
- 15 (b) that he has given the prescribed notice of his intention to make the contrivances, and has paid in the prescribed manner to, or for the benefit of, the owner of the copyright in the work royalties in respect of all such contrivances sold by him, 20 calculated at the rate herein-after mentioned:

Provided that—

- (i) nothing in this provision shall authorize any alterations in, or omissions from, the work reproduced, unless contrivances reproducing the work subject to similar alterations and omissions have been previously made by, or with the consent or acquiescence of, the owner of the copyright, or unless such alterations or omissions are reasonably necessary for the adaptation of the work to the contrivances in question; and
- 25 (ii) for the purposes of this provision, a musical work shall be deemed to include any words so closely associated therewith as to form part of the same work, but shall not be deemed to include a contrivance by means of which sounds may be mechanically reproduced.

(3) The rate at which such royalties as aforesaid are to be calculated shall—

- (a) in the case of contrivances sold within two years after the commencement of this Act by the person making the same, be two and one-half per cent.; and
- 40 (b) in the case of contrivances sold as aforesaid after the expiration of that period, five per cent.

*When not an
infringement.*

*Alterations
in or omissions
from work.*

*Rate of ro-
alties.*

on the ordinary retail selling price of the contrivance calculated in the prescribed manner, so however that the royalty payable in respect of a contrivance shall, in no case, be less than a half-penny for each separate musical work in which copyright subsists reproduced theron, and, where the royalty calculated as aforesaid includes a fraction of a farthing, such fraction shall be reckoned as a farthing:

Change in
rate of royalties.

Provided that, if, at any time after the expiration of seven years from the commencement of this Act, it appears to the Board of Trade that such rate as aforesaid is no longer equitable, the Board of Trade may, after holding a public inquiry, make an order either decreasing or increasing that rate to such extent as under the circumstances may seem just, but any order so made shall be provisional only and shall not have any effect unless and until confirmed by Parliament; but, where an order revising the rate has been so made and confirmed, no further revision shall be made before the expiration of fourteen years from the date of the last revision.

(4) If any such contrivance is made reproducing two or more different works in which copyright subsists and the owners of the copyright therein are different persons, the sums payable by way of royalties under this section shall be apportioned amongst the several owners of the copyright in such proportions as, failing agreement, may be determined by arbitration.

(5) When any such contrivances by means of which a musical work may be mechanically performed have been made, then, for the purposes of this section, the owner of the copyright in the work shall, in relation to any person who makes the prescribed inquiries, be deemed to have given his consent to the making of such contrivances if he fails to reply to such inquiries within the prescribed time.

Board of
Trade regula-
tions.

(6) For the purposes of this section, the Board of Trade may make regulations prescribing anything which under this section is to be prescribed, and prescribing the mode in which notices are to be given and the particulars to be given in such notices, and the mode, time, and frequency of the payment of royalties, and any such regulations may, if the Board think fit, include regulations requiring payment in advance or otherwise securing the payment of royalties.

(7) In the case of musical works published before the commencement of this Act, the foregoing provisions shall have effect, subject to the following modifications and additions:

Modifications
in case of works
published be-
fore Act.

- 5 (a) The conditions as to the previous making by, or with the consent or acquiescence of, the owner of the copyright in the work, and the restrictions as to alterations in or omissions from the work, shall not apply:
- 10 (b) The rate of two and one-half per cent. shall be substituted for the rate of five per cent. as the rate at which royalties are to be calculated, but no royalties shall be payable in respect of contrivances sold before the first day of July, nineteen hundred and thirteen, if contrivances reproducing the same work had been lawfully made, or placed on sale, within the parts of His Majesty's dominions to which this Act extends before the first day of July, nineteen hundred and ten:
- 15 (c) Notwithstanding any assignment made before the passing of this Act of the copyright in a musical work, any rights conferred by this Act in respect of the making, or authorising the making, of contrivances by means of which the work may be mechanically performed shall belong to the author or his legal personal representatives and not to the assignee, and the royalties aforesaid shall be payable to, and for the benefit of, the author of the work or his legal personal representatives:
- 20 (d) The saving contained in this Act of the rights and interests arising from, or in connexion with, action taken before the commencement of this Act shall not be construed as authorising any person who has made contrivances by means of which the work may be mechanically performed to sell any such contrivances, whether made before or after the passing of this Act, except on the terms and subject to the conditions laid down in this section:
- 25 (e) Where the work is a work on which copyright is conferred by an Order in Council relating to a foreign country, the copyright so conferred shall not, except to such extent as may be provided by

Right of me-
chanical repro-
duction of as-
signed work be-
longs to author.

the Order, include any rights with respect to the making of records, perforated rolls, or other contrivances by means of which the work may be mechanically performed.

Copyright in
contrivances
previously
made.

(8) Notwithstanding anything in this Act, where a record, perforated roll, or other contrivance by means of which sounds may be mechanically reproduced has been made before the commencement of this Act, copyright shall, as from the commencement of this Act, subsist therein in like manner and for the like term as if this Act had been in force at the date of the making of the original plate from which the contrivance was directly or indirectly derived:

Provided that—

- (i) the person who, at the commencement of this Act, is the owner of such original plate shall be the first owner of such copyright; and
- (ii) nothing in this provision shall be construed as conferring copyright in any such contrivance if the making thereof would have infringed copyright in some other contrivance, if this provision had been in force at the time of the making of the first-mentioned contrivance.

Provision as
to political
speeches.

20. Notwithstanding anything in this Act, it shall not be an infringement of copyright in an address of a political nature delivered at a public meeting to publish a report thereof in a newspaper.

Provisions as
to photographs.

21. The term for which copyright shall subsist in photographs shall be fifty years from the making of the original negative from which the photograph was directly or indirectly derived, and the person who was owner of such negative at the time when such negative was made shall be deemed to be the author of the work, and, where such owner is a body corporate, the body corporate shall be deemed for the purposes of this Act to reside within the parts of His Majesty's dominions to which this Act extends if it has established a place of business within such parts.

Provisions as
to designs regis-
trable under 7
Edw. 7. c. 29.

22. (1) This Act shall not apply to designs capable of being registered under the Patents and Designs Act, 1907, except designs which, though capable of being so registered, are not used or intended to be used as models or patterns to be multiplied by any industrial process.

(2) General rules under section eighty-six of the Patents and Designs Act, 1907, may be made for determin-

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ing the conditions under which a design shall be deemed to be used for such purposes as aforesaid.

23. If it appears to His Majesty that a foreign country does not give, or has not undertaken to give, adequate protection to the works of British authors, it shall be lawful for His Majesty by Order in Council to direct that such of the provisions of this Act as confer copyright on works first published within the parts of His Majesty's dominions to which this Act extends, shall not apply to 10 works published after the date specified in the Order, the authors whereof are subjects or citizens of such foreign country, and are not resident in His Majesty's dominions, and thereupon those provisions shall not apply to such works.

Works of foreign authors first published in parts of His Majesty's dominions to which Act extends.

15 24. (1) Where any person is immediately before the commencement of this Act entitled to any such right in any work as is specified in the first column of the First Schedule to this Act, or to any interest in such a right, he shall, as from that date, be entitled to the substituted right set forth in the second column of that schedule, or to the same interest in such a substituted right, and to no other right or interest, and such substituted right shall subsist for the term for which it would have subsisted if this Act had been in force at the date when the work 25 was made and the work had been one entitled to copyright thereunder:

Existing works.

See page 34.

Provided that—

(a) if the author of any work in which any such right as is specified in the first column of the First Schedule to this Act subsists at the commencement of this Act has, before that date, assigned the right or granted any interest therein for the whole term of the right, then at the date when, but for the passing of this Act, the right would have expired the substituted right conferred by this section shall, in the absence of express agreement, pass to the author of the work, and any interest therein created before the commencement of this Act and then subsisting shall determine; but the person who immediately before the date at which the right would so have expired was the owner of the right or interest shall be entitled at his option either—

Existing assignments.

(i) on giving such notice as hereinafter mentioned, to an assignment of the right or

the grant of a similar interest therein for the remainder of the term of the right for such consideration as, failing agreement, may be determined by arbitration; or

(ii) without any such assignment or grant, 5 to continue to reproduce or perform the work in like manner as theretofore subject to the payment, if demanded by the author within three years after the date at which the right would have so expired, of such royalties to 10 the author as, failing agreement, may be determined by arbitration, or, where the work is incorporated in a collective work and the owner of the right or interest is the proprietor of that collective work, without any 15 such payment;

The notice above referred to must be given not more than one year nor less than six months before the date at which the right would have so expired, and must be sent by registered post 20 to the author, or, if he cannot with reasonable diligence be found, advertised in the London Gazette and in two London newspapers:

(b) where any person has, before the twenty-sixth day of July nineteen hundred and ten, taken any 25 action whereby he has incurred any expenditure or liability in connexion with the reproduction or performance of any work in a manner which at the time was lawful, or for the purpose of or with a view to the reproduction or performance 30 of a work at a time when such reproduction or performance would, but for the passing of this Act, have been lawful, nothing in this section shall diminish or prejudice any rights or interest arising from or in connexion with such action 35 which are subsisting and valuable at the said date, unless the person who by virtue of this section becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by arbitration. 40

(2) For the purposes of this section, the expression "author" includes the legal personal representatives of a deceased author.

(3) Subject to the provisions of section nineteen sub-sections (7) and (8) and of section thirty-three of this Act, copyright shall not subsist in any work made before the commencement of this Act, otherwise than under, 5 and in accordance with, the provisions of this section.

No copyright
in work made
before Act.

APPLICATION TO BRITISH POSSESSIONS.

25. (1) This Act, except such of the provisions thereof as are expressly restricted to the United Kingdom, shall extend throughout His Majesty's dominions: Provided 10 that it shall not extend to a self-governing dominion, unless declared by the Legislature of that dominion to be in force therein either without any modifications or additions, or with such modifications and additions relating exclusively to procedure and remedies, or necessary to 15 adapt this Act to the circumstances of the dominion, as may be enacted by such Legislature.

Application
of Act to British
dominions.

(2) If the Secretary of State certifies by notice published in the London Gazette that any self-governing dominion has passed legislation under which works, the 20 authors whereof were at the date of the making of the works British subjects resident elsewhere than in the dominion or (not being British subjects) were resident in the parts of His Majesty's dominions to which this Act extends, enjoy within the dominion rights substantially 25 identical with those conferred by this Act, then, whilst such legislation continues in force, the dominion shall, for the purposes of the rights conferred by this Act, be treated as if it were a dominion to which this Act extends; and it shall be lawful for the Secretary of State to give 30 such a certificate as aforesaid, notwithstanding that the remedies for enforcing the rights, or the restrictions on the importation of copies of works, manufactured in a foreign country, under the law of the dominion, differ from those under this Act.

Notice in Lon-
don Gazette.

35 26. (1) The Legislature of any self-governing dominion may, at any time, repeal all or any of the enactments relating to copyright passed by Parliament (including this Act) so far as they are operative within that dominion: Provided that no such repeal shall prejudicially affect any 40 legal rights existing at the time of the repeal, and that, on this Act or any part thereof being so repealed by the Legislature of a self-governing dominion, that dominion shall cease to be a dominion to which this act extends.

Legislative
powers of self-
governing do-
minions.

Self - governing dominions.

(2) In any self-governing dominion to which this Act does not extend, the enactments repealed by this Act shall, so far as they are operative in that dominion, continue in force until repealed by the Legislature of that dominion.

(3) Where his Majesty in Council is satisfied that the law of a self-governing dominion to which this Act does not extend provides adequate protection within the dominion for the works (whether published or unpublished) of authors who at the time of the making of the work were British subjects resident elsewhere than in that dominion, His Majesty in Council may, for the purpose of giving reciprocal protection, direct that this Act, except such parts (if any) thereof as may be specified in the Order, and subject to any conditions contained therein, shall, within the parts of His Majesty's dominions to which this Act extends, apply to works the authors whereof were, at the time of the making of the work, resident within the first-mentioned dominion, and to works first published in that dominion; but, save as provided by such an Order, works the authors whereof were resident in a dominion to which this Act does not extend shall not, whether they are British subjects or not, be entitled to any protection under this Act except such protection as is by this Act conferred on works first published within the parts of His Majesty's dominions to which this Act extends:

Provided that no such Order shall confer any rights within a self-governing dominion, but the Governor in Council of any self-governing dominion to which this Act extends, may, by Order, confer within that dominion the like rights as His Majesty in Council is, under the foregoing provisions of this subsection, authorised to confer within other parts of His Majesty's dominions.

For the purposes of this subsection, the expression "a dominion to which this Act extends" includes a dominion which is for the purposes of this Act to be treated as if it were a dominion to which this Act extends.

Power of
Legislatures of
British posses-
sions to pass
supplemental
legislation.

27. The Legislature of any British possession to which this Act extends may modify or add to any of the provisions of this Act in its application to the possession, but, except so far as such modifications and additions relate to procedure and remedies, they shall apply only to works the authors whereof were, at the time of the making of the work, resident in the possession, and to works first published in the possession.

28. His Majesty may, by Order in Council, extend this Act to any territories under his protection and to Cyprus, and, on the making of any such Order, this Act shall, subject to the provisions of the Order, have effect as if 5 the territories to which it applies or Cyprus were part of His Majesty's dominions to which this Act extends.

Application
to protector-
ates.

PART II.

INTERNATIONAL COPYRIGHT.

29. (1) His Majesty may, by Order in Council, direct 10 that this Act (except such parts, if any, thereof as may be specified in the Order) shall apply—

Power to ex-
tend act to for-
eign works.

(a) to works first published in a foreign country to which the Order relates, in like manner as if they were first published within the parts of His 15 Majesty's dominions to which this Act extends;

(b) to literary, dramatic, musical, and artistic works, or any class thereof, the authors whereof were at the time of the making of the work subjects or 20 citizens of a foreign country to which the order relates, in like manner as if the authors were British subjects;

(c) In respect of residence in a foreign country to which the Order relates, in like manner as if such residence were residence in the parts of His Majesty's 25 dominions to which this Act extends;

and thereupon, subject to the provisions of this Part of this Act and of the Order, this Act shall apply accordingly:

Provided that—
30 (i) before making an Order in Council under this section in respect of any foreign country (other than a country with which His Majesty has entered into a convention relating to copyright), His Majesty shall be satisfied that that foreign country has made, or has undertaken to make, such provisions, if any, as it appears to His Majesty expedient to require for the protection of works entitled to copyright under the provisions of Part I. of this Act;

Reciprocal
protection.

40 (ii) the Order in Council may provide that the term of copyright within such parts of His Majesty's dominions as aforesaid shall not exceed that conferred by the law of the country to which the Order relates;

Delivery of
foreign books
not required.

Conditions
and formalities.

49 & 50 Vict.
c. 33.

Application
of Part II. to
British posses-
sions.

- (iii) the provisions of this Act as to the delivery of copies of books shall not apply to works first published in such country, except so far as is provided by the Order;
- (iv) the Order in Council may provide that the enjoyment of the rights conferred by this Act shall be subject to the accomplishment of such conditions and formalities (if any) as may be prescribed by the Order;
- (v) in applying the provision of this Act as to ownership of copyright, the Order in Council may make such modifications as appear necessary having regard to the law of the foreign country;
- (vi) in applying the provisions of this Act as to existing works, the Order in Council may make such modifications as appear necessary, and may provide that nothing in those provisions as so applied shall be construed as reviving any right of preventing the production or importation of any translation in any case where the right has ceased by virtue of section five of the International Copyright Act, 1886.

(2) An Order in Council under this section may extend to all the several countries named or described therein.

30. (1) An Order in Council under this Part of this Act shall apply to all His Majesty's dominions to which this Act extends except self-governing dominions and any other possession specified in the order with respect to which it appears to His Majesty expedient that the Order should not apply.

(2) The Governor in Council of any self-governing dominion to which this Act extends may, as respects that dominion, make the like orders as under this Part of this Act His Majesty in Council is authorised to make with respect to His Majesty's dominions other than self-governing dominions, and the provisions of this Part of this Act shall, with the necessary modifications, apply accordingly.

(3) Where it appears to His Majesty expedient to except from the provisions of any order any part of his dominions not being a self-governing dominion, it shall be lawful for His Majesty by the same or any other Order in Council to declare that such order and this Part of this Act shall not, and the same shall not, apply to such part, except so far as is necessary for preventing any prejudice to any rights acquired previously to the date of such Order.

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PART III.

SUPPLEMENTAL PROVISIONS.

31. No person shall be entitled to copyright or any similar right in any literary, dramatic, musical, or artistic work, whether published or unpublished, otherwise than under and in accordance with the provisions of this Act, or of any other statutory enactment for the time being in force, but nothing in this section shall be construed as abrogating any right or jurisdiction to restrain a breach of trust or confidence.

Abrogation of
common law
rights.

32. (1) His Majesty in Council may make Orders for altering, revoking, or varying any Order in Council made under this Act; or under any enactments repealed by this Act, but any Order made under this section shall not affect prejudicially any rights or interests acquired or accrued at the date when the Order comes into operation, and shall provide for the protection of such rights and interests.

Provisions as
to Orders in
Council.

(2) Every Order in Council made under this Act shall be published in the London Gazette and shall be laid before both Houses of Parliament as soon as may be after it is made, and shall have effect as if enacted in this Act.

33. Nothing in this act shall deprive any of the universities and colleges mentioned in the Copyright Act, 1775, of any copyright they already possess under that Act, but the remedies and penalties for infringement of any such copyright shall be under this Act and not under that Act.

Saving of uni-
versity copy-
right. 15 Geo.
3. c. 53.

34. There shall continue to be charged on, and paid out of, the Consolidated Fund of the United Kingdom such annual compensation as was immediately before the commencement of this Act payable in pursuance of any Act as compensation to a library for the loss of the right to receive gratuitous copies of books:

Saving of
compensation
to certain libra-
ries.

Provided that this compensation shall not be paid to a library in any year, unless the Treasury are satisfied that the compensation for the previous year has been applied in the purchase of books for the use of and to be preserved in the library.

35. (1) In this Act, unless the context otherwise requires—

Interpreta-
tion.

“Literary work” includes maps, charts, plans, tables, and compilations;

“Dramatic work” includes any piece for recitation, choreographic work or entertainment in dumb show, the scenic arrangement or acting form of which is fixed in writing or otherwise, and any cinematograph production where the arrangement or acting form or the combination of incidents represented give the work an original character; 5

“Artistic work” includes works of painting, drawing, sculpture and artistic craftsmanship, and architectural works of art and engravings and 10 photographs;

“Work of sculpture” includes casts and models;

“Architectural work of art” means any building or structure having an artistic character or design, in respect of such character or design, or any 15 model for such building or structure, provided that the protection afforded by this Act shall be confined to the artistic character and design, and shall not extend to processes or methods of construction; 20

“Engravings” include etchings, lithographs, wood-cuts, prints, and other similar works, not being photographs;

“Photograph” includes photo-lithograph and any work produced by any process analogous to 25 photography;

“Cinematograph” includes any work produced by any process analogous to cinematography;

“Collective work” means—

- (a) an encyclopædia, dictionary, year book, or 30 similar work;
- (b) a newspaper, review, magazine, or similar periodical; and
- (c) any work written in distinct parts by different authors, or in which works or parts of works of 35 different authors are incorporated;

“Infringing,” when applied to a copy of a work in which copyright subsists, means any copy, including any colourable imitation, made, or imported in contravention of the provisions of this Act; 40

“Performance” means any acoustic representation of a work and any visual representation of any dramatic action in a work, including such a representation made by means of any mechanical instrument; 45

"Delivery," in relation to a lecture, includes delivery by means of any mechanical instrument;

"Plate" includes any stereotype or other plate, stone, block, mould, matrix, transfer, or negative used or intended to be used for printing or reproducing copies of any work, and any matrix or other appliance by which records, perforated rolls or other contrivances for the acoustic representation of the work are or are intended to be made;

"Lecture" includes address, speech, and sermon;

"Self-governing dominion" means the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland.

(2) For the purposes of this Act (other than those relating to infringements of copyright), a work shall not be deemed to be published or performed in public, and a lecture shall not be deemed to be delivered in public, if published, performed in public, or delivered in public, without the consent or acquiescence of the author, his executors administrators or assigns.

(3) For the purposes of this Act, a work shall be deemed to be first published within the parts of His Majesty's dominions to which this Act extends, notwithstanding that it has been published simultaneously in some other place, unless the publication in such parts of His Majesty's dominions as aforesaid is colourable only and is not intended to satisfy the reasonable requirements of the public, and a work shall be deemed to be published simultaneously in two places if the time between the publication in one such place and the publication in the other place does not exceed fourteen days, or such longer period as may, for the time being, be fixed by Order in Council.

(4) Where, in the case of an unpublished work, the making of a work has extended over a considerable period, the conditions of this Act conferring copyright shall be deemed to have been complied with, if the author was, during any substantial part of that period, a British subject or a resident within the parts of His Majesty's dominions to which this Act extends.

(5) For the purposes of the provisions of this Act as to residence, an author of a work shall be deemed to be a resident in the parts of His Majesty's dominions to which this Act extends if he is domiciled within any such part.

Simultaneous publication.

Unpublished work; residence in H.M.'s dominions.

Repeal.

36. Subject to the provisions of this Act, the enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule:

Provided that this repeal shall not take effect in any part of His Majesty's dominions until this Act comes into operation in that part. 5

Short title
and commence-
ment.

37. (1) This Act may be cited as the Copyright Act, 1911.

(2) This Act shall come into operation— 10

- (a) in the United Kingdom, on the first day of July nineteen hundred and twelve or such earlier date as may be fixed by Order in Council;
- (b) in a self-governing dominion to which this Act extends, at such date as may be fixed by the 15 Legislature of that dominion;
- (c) in the Channel Islands, at such date as may be fixed by the States of those islands respectively;
- (d) in any other British possession to which this Act extends, on the proclamation thereof within the 20 possession by the Governor.

SCHEDULES.

FIRST SCHEDULE.

Section 24.

EXISTING RIGHTS.

Existing Right.	Substituted Right.	25
<i>(a) In the case of Works other than Dramatic and Musical Works.</i>		
Copyright.	Copyright as defined by this Act. ¹	
<i>(b) In the case of Musical and Dramatic Works.</i>		
Both copyright and performing right.	Copyright as defined by this Act. ¹	
Copyright, but not performing right.	Copyright as defined by this Act, except the sole right to perform the work or any substantial part thereof in public. 30	
Performing right but not copyright.	The sole right to perform the work in public, but none of the other rights comprised in copyright as defined by this Act. 35	

For the purposes of this Schedule the following expressions, where used in the first column thereof, have the following meanings:

Copyright
defined.

"Copyright," in the case of a work which according to the law in force immediately before the commence- 40

¹ In the case of an essay, article, or portion forming part of and first published in a review, magazine, or other periodical or work of a like nature, the right shall be subject to any right of publishing the essay, article, or portion in a separate form to which the author is entitled at the commencement of this Act, or would, if this Act had not been passed, have become entitled under section eighteen of the Copyright Act, 1842.

ment of this Act has not been published before that date and statutory copyright wherein depends on publication, includes the right at common law (if any) to restrain publication or other dealing with the work;

5 "Performing right," in the case of a work which has not been performed in public before the commencement of this Act, includes the right at common law (if any) to restrain the performance thereof in public.

Performing
right defined.

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SECOND SCHEDULE.

ENACTMENTS REPEALED.

Section 36.

Session and Chapter	Short Title	Extent of Repeal
8 Geo. 2, c. 13.....	The Engraving Copyright Act, 1734.....	The whole Act.
7 Geo. 3, c. 38.....	The Engraving Copyright Act, 1767.....	The whole Act.
15 Geo. 3, c. 53.....	The Copyright Act, 1775.....	The whole Act.
17 Geo. 3, c. 57.....	The Prints Copyright Act, 1777.....	The whole Act.
54 Geo. 3, c. 56.....	The Sculpture Copyright Act, 1814.....	The whole Act.
3 & 4 Will. 4, c. 15.....	The Dramatic Copyright Act, 1833.....	The whole Act.
5 & 6 Will. 4, c. 65.....	The Lectures Copyright Act, 1835.....	The whole Act.
6 & 7 Will. 4, c. 59.....	The Prints and Engravings Copyright (Ireland) Act, 1836.....	The whole Act.
6 & 7 Will. 4, c. 110.....	The Copyright Act, 1836.....	The whole Act.
5 & 6 Vict. c. 45.....	The Copyright Act, 1842.....	The whole Act.
7 & 8 Vict. c. 12.....	The International Copyright Act, 1844.....	The whole Act.
10 & 11 Vict. c. 95.....	The Colonial Copyright Act, 1847.....	The whole Act.
15 & 16 Vict. c. 12.....	The International Copyright Act, 1852.....	The whole Act.
25 & 26 Vict. c. 68.....	The Fine Arts Copyright Act, 1862.....	Sections one to six. In section eight the words "and pursuant to any Act for the protection of copyright" engravings," and "and in any such Act as aforesaid". Sections nine to twelve.
38 & 39 Vict. c. 12.....	The International Copyright Act, 1875.....	The whole Act.
39 & 40 Vict. c. 30.....	The Customs Consolidation Act, 1876.....	Section forty-two, from "Books wherein" to "such copyright will expire". Sections forty-four, forty-five and one hundred and fifty-two.
45 & 46 Vict. c. 40.....	The Copyright (Musical Compositions) Act, 1882.....	The whole Act.
49 & 50 Vict. c. 33.....	The International Copyright Act, 1886.....	The whole Act.
51 & 52 Vict. c. 17.....	The Copyright (Musical Compositions) Act, 1888.....	The whole Act.
52 & 53 Vict. c. 42.....	The Revenue Act, 1889.....	Section one, from "Books first published" to "as provided in that section."
6 Edw. 7, c. 36.....	The Musical Copyright Act, 1906.....	In section three the words "and which has been registered in accordance with the provisions of the Copyright Act, 1842, or of the International Copyright Act, 1844, which registration may be effected notwithstanding anything in the International Copyright Act, 1886."

See pages 37-39.

See pages 39-40.

See pages 40-41.

See pages 42-44.

ADDENDA.

PREVIOUS COPYRIGHT ACTS NOT REPEALED.

[Repealed matter indicated by italics and brackets.]

THE FINE ARTS COPYRIGHT ACT, 1862.

5 25 AND 26 VICTORIA, CHAPTER 68.

AN ACT for amending the Law relating to Copyright in Works of the Fine Arts, and for repressing the Commission of Fraud in the Production and Sale of such Works. [29th July 1862.]

Act 25 and 26
Vict., c. 68, 1862.

Whereas by Law, as now established, the Authors of 10 Paintings, Drawings, and Photographs have no Copyright in such their Works, and it is expedient that the Law should in that respect be amended; Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and 15 Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

[Sections 1–6 are repealed by the Copyright Act, 1911.]

7. No Person shall do or cause to be done any or either of the following Acts; that is to say,
20 First, no Person shall fraudulently sign or otherwise affix, or fraudulently cause to be signed or otherwise affixed, to or upon any Painting, Drawing, or Photograph, or the Negative thereof, any Name, Initials, or Monogram:

Penalties on
fraudulent pro-
ductions and
sales.

25 Secondly, no Person shall fraudulently sell, publish, exhibit, or dispose of, or offer for Sale, Exhibition, or Distribution, any Painting, Drawing, or Photograph, or Negative of a Photograph, having thereon the Name, Initials, or Monogram of a Person who did not execute 30 or make such Work:

Thirdly, no Person shall fraudulently utter, dispose of, or put off, or cause to be uttered or disposed of, any Copy or colourable Imitation of any Painting, Drawing, or Photograph, or Negative of a Photograph, whether there 35 shall be subsisting Copyright therein or not, as having been made or executed by the Author or Maker of the original Work from which such Copy or Imitation shall have been taken:

Fourthly, where the Author or Maker of any Painting, Drawing, or Photograph, or Negative of a Photograph, made either before or after the passing of this Act, shall have sold or otherwise parted with the Possession of such Work, if any Alteration shall afterwards be made therein by any other Person, by Addition or otherwise, no Person shall be at liberty during the life of the Author or Maker of such Work, without his Consent, to make or knowingly to sell or publish, or offer for Sale, such Work or any Copies of such Work so altered as aforesaid, or of any Part 10 thereof, as or for the unaltered Work of such Author or Maker:

Penalties.

Every Offender under this Section shall, upon Conviction, forfeit to the Person aggrieved a Sum not exceeding Ten Pounds, or not exceeding double the full Price, if 15 any, at which all such Copies, Engravings, Imitations, or altered Works shall have been sold or offered for Sale; and all such Copies, Engravings, Imitations, or altered Works shall be forfeited to the Person, or the Assigns or legal Representatives of the Person, whose Name, Initials, or 20 Monogram shall be so fraudulently signed or affixed thereto, or to whom such spurious or altered Work shall be so fraudulently or falsely ascribed as aforesaid: Provided always, that the Penalties imposed by this Section shall not be incurred unless the Person whose Name, Initials, or Mono- 25 gram shall be so fraudulently signed or affixed, or to whom such spurious or altered Work shall be so fraudulently or falsely ascribed as aforesaid, shall have been living at or within Twenty Years next before the Time when the Offence may have been committed. 30

Recovery of
pecuniary Pen-
alties.

Words in
brackets and
italics repealed
by Copyright
Act, 1911.

8. All pecuniary Penalties which shall be incurred, and all such unlawful Copies, Imitations, and all other Effects and Things as shall have been forfeited by Offenders, pursuant to this Act, [*and pursuant to any Act for the Protection of Copyright Engravings,*] may be recovered by the Person herein-before [*and in any such Act as aforesaid*] empowered to recover the same respectively, and herein-after called the Complainant or the Complainier, as follows:

In England and Ireland, either by Action against the 40 Party offending, or by summary Proceeding before any two Justices having Jurisdiction where the Party offending resides:

In Scotland by Action before the Court of Session in ordinary Form, or by summary Action before the Sheriff 45

of the County where the Offence may be committed or the Offender resides, * * * and any Judgment so to be pronounced by the Sheriff in such summary Application shall be final and conclusive, and not subject 5 to Review by [Advocation,] Suspension, Reduction, or otherwise.

[Sects. 9–12 repealed by the Copyright Act, 1911.]

[From "The Statutes of the United Kingdom of Great Britain and Ireland." Vol. 25, 4^o. By G: Kettisbury Rickards. London, G: E: Eyre and W: Spottiswoode, 1862, 10 pp. 750–752.]

THE CUSTOMS CONSOLIDATION ACT, 1876.

39 AND 40 VICTORIA, CHAPTER 36.

AN ACT to consolidate the Customs Laws. [24th July 1876.]

Act 39 and 40
Vict., c. 36, 1876.

* * * * *

AS TO THE IMPORTATION, PROHIBITION, ENTRY, EXAMINA-
15 TION, LANDING, AND WAREHOUSING OF GOODS.

Prohibitions
and restric-
tions.

* * * * *

42. The goods enumerated and described in the following table of prohibitions and restrictions inwards are hereby prohibited to be imported or brought into the United Kingdom, save as thereby excepted, and if any 20 goods so enumerated and described shall be imported or brought into the United Kingdom contrary to the prohibitions or restrictions contained therein, such goods shall be forfeited, and may be destroyed or otherwise disposed of as the Commissioners of Customs may direct.

25 A TABLE OF PROHIBITIONS AND RESTRICTIONS INWARDS.

Goods prohibited to be imported.

[Books wherein the copyright shall be first subsisting, first composed, or written or printed, in the United Kingdom, and printed or reprinted in any other country, as 30 to which the proprietor of such copyright or his agent shall have given to the Commissioners of Customs a notice in writing, duly declared, that such copyright subsists, such notice also stating when such copyright will expire.]

Repealed by
copyright act,
1911; but see sec.
14 of act of 1911,
p. 17.

* * * * *

Indecent or obscene prints, paintings, photographs,
35 books, cards, lithographic or other engravings, or any
other indecent or obscene articles.

[Sects. 44 and 45 are repealed by the Copyright Act, 1911.]

* * * * *

Customs acts
to extend to
British posses-
sions abroad,
except where
otherwise pro-
vided for.

151. The Customs Acts shall extend to and be of full force and effect in the several British possessions abroad, except where otherwise expressly provided for by the said Acts, or limited by express reference to the United Kingdom or the Channel Islands, and except also as to 5 any such possession as shall by local Act or ordinance have provided, or may hereafter, with the sanction and approbation of Her Majesty and her successors, make entire provision for the management and regulation of the Customs of any such possession, or make in like manner express provisions in lieu or variation of any of the clauses of the said Act for the purposes of such possession.

[*Sec. 152 repealed by the Copyright Act, 1911.*]

[From "The Law Reports. The Public General Statutes, 1876." Vol. II, 8°. London, William Clowes and Sons, 1876, pp. 171, 181-182, 210.]

THE MUSICAL (SUMMARY PROCEEDINGS) COPYRIGHT ACT, 1902.

2 EDWARD VII., CHAPTER 15.

Act 2 Edw. 7, c. 15, 1902. AN ACT to amend the Law relating to Musical Copyright. [22nd 20 July, 1902.]

See page 16, l. 35. Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: 25

Seizure, &c., of pirated copies. 1. A court of summary jurisdiction, upon the application of the owner of the copyright in any musical work, may act as follows: If satisfied by evidence that there is reasonable ground for believing that pirated copies of such musical work are being hawked, carried about, sold 30 or offered for sale, may, by order, authorise a constable to seize such copies without warrant and to bring them before the court, and the court, on proof that the copies are pirated, may order them to be destroyed, or to be delivered up to the owner of the copyright if he makes 35 application for that delivery.

Power to seize copies on hawkers. 2. If any person shall hawk, carry about, sell or offer for sale any pirated copy of any musical work, every such pirated copy may be seized by any constable without warrant, on the request in writing of the apparent owner of the 40 copyright in such work, or of his agent thereto authorised in writing, and at the risk of such owner.

On seizure of any such copies, they shall be conveyed by such constable before a court of summary jurisdiction, and, on proof that they are infringements of copyright, shall be forfeited or destroyed, or otherwise dealt with, as
5 the court may think fit.

3. "Musical copyright" means the exclusive right of the owner of such copyright, under the Copyright Acts in force for the time being, to do, or to authorise another person to do, all or any of the following things in respect
10 of a musical work:—

- (1) To make copies by writing or otherwise of such musical work.
- (2) To abridge such musical work.
- (3) To make any new adaptation, arrangement or
15 setting of such musical work, or of the melody thereof, in any notation or system.

"Musical work" means any combination of melody and harmony, or either of them, printed, reduced to writing, or otherwise graphically produced or reproduced.

20 "Pirated musical work" means any musical work written, printed or otherwise reproduced, without the consent lawfully given by the owner of the copyright in such musical work.

4. This Act may be cited as The Musical (Summary Proceedings) Copyright Act, 1902, and shall come into operation on the first day of October one thousand nine hundred and two, and shall apply only to the United Kingdom.

[From "The Law Reports. The Public General Statutes, 1902." Vol. 40, 8°. London, William Clowes & Sons, Ltd., 1903, p. 18.]

Definitions.

Short title
and commence-
ment.

THE MUSICAL COPYRIGHT ACT, 1906.

6 EDWARD VII., CHARTER 36.

AN ACT to amend the law relating to Musical Copyright. [4th August 1906.]

Act 6 Edw. 7,
c. 36, 1906.

35 Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. (1) Every person who prints, reproduces, or sells, or
40 exposes, offers, or has in his possession for sale, any pirated copies of any musical work, or has in his possession

See page 16, l. 35°
Penalty for
being in pos-
session of pi-
rated music.

any plates for the purpose of printing or reproducing pirated copies of any musical work, shall (unless he proves that he acted innocently) be guilty of an offence punishable on summary conviction, and shall be liable to a fine not exceeding five pounds, and on a second or subsequent conviction to imprisonment with or without hard labour for a term not exceeding two months or to a fine not exceeding ten pounds: Provided that a person convicted of an offence under this Act who has not previously been convicted of such an offence, and who proves that the copies of the musical work in respect of which the offence was committed had printed on the title page thereof a name and address purporting to be that of the printer or publisher, shall not be liable to any penalty under this Act unless it is proved that the copies were to his knowledge pirated copies. 15

**Constable
may take into
custody with-
out warrant.**

(2) Any constable may take into custody without warrant any person who in any street or public place sells or exposes, offers, or has in his possession for sale any pirated copies of any such musical work as may be specified in any general written authority addressed to the chief officer of police, and signed by the apparent owner of the copyright in such work or his agent thereto authorised in writing, requesting the arrest, at the risk of such owner, of all persons found committing offences under this section in respect to such work, or who offers for sale any pirated copies of any such specified musical work by personal canvass or by personally delivering advertisements or circulars. 20

(3) A copy of every written authority addressed to a chief officer of police under this section shall be open to inspection at all reasonable hours by any person without payment of any fee, and any person may take copies of or make extracts from any such authority. 30

(4) Any person aggrieved by a summary conviction under this section may in England or Ireland appeal to a court of quarter sessions, and in Scotland under and in terms of the Summary Prosecutions Appeals (Scotland) Act, 1875. 35

**38 and 39
Vict., c. 62.**

**Right of
entry by police
for execution of
act.**

2.—(1) If a court of summary jurisdiction is satisfied by information on oath that there is reasonable ground for suspecting that an offence against this Act is being committed on any premises, the court may grant a search warrant authorising the constable named therein to enter

the premises between the hours of six of the clock in the morning and nine of the clock in the evening, and, if necessary, to use force for making such entry, whether by breaking open doors or otherwise, and to seize any copies 5 of any musical work or any plates in respect of which he has reasonable ground for suspecting that an offence against this Act is being committed.

(2) All copies of any musical work and plates seized under this section shall be brought before a court of 10 summary jurisdiction, and if proved to be pirated copies or plates intended to be used for the printing or reproduction of pirated copies shall be forfeited and destroyed or otherwise dealt with as the court think fit.

3. In this Act—

15 The expression "pirated copies" means any copies of any musical work written, printed, or otherwise reproduced without the consent lawfully given by the owner of the copyright in such musical work:

Definitions:
"Pirated
copies."

The expression "musical work" means a musical work 20 in which there is a subsisting copyright, [and which has been registered in accordance with the provisions of the Copyright Act, 1842, or of the International Copyright Act, 1844, which registration may be effected notwithstanding anything in the International Copyright Act, 1886]:

"Musical
work."
Words in
brackets and
italics repealed
by copyright
act, 1911.

25 The expression "plates" includes any stereotype or other plates, stones, matrices, transfers, or negatives used or intended to be used for printing or reproducing copies of any musical work: Provided that the expressions "pirated copies" and "plates" shall not, for the 30 purposes of this Act, be deemed to include perforated music rolls used for playing mechanical instruments, or records used for the reproduction of sound waves, or the matrices or other appliances by which such rolls or records respectively are made:

"Plates."

35 The expression "chief officer of police"—

"Chief officer
of police."

(a) with respect to the City of London, means the Commissioner of City Police;

(b) elsewhere in England has the same meaning as in the Police Act, 1890;

40 (c) in Scotland has the same meaning as in the Police (Scotland) Act, 1890;

53 and 54
Vict., c. 45.

(d) in the police district of Dublin metropolis means either of the Commissioners of Police for the said district;

53 and 54
Vict., c. 67.

(e) elsewhere in Ireland means the District Inspector of the Royal Irish Constabulary:

"Court of summary jurisdiction." The expression "court of summary jurisdiction" in Scotland means the sheriff or any magistrate of any royal, parliamentary, or police burgh officiating under the provisions of any local or general police Act. 5

Short title.

4. This Act may be cited as the Musical Copyright Act, 1906.

[From "The Law Reports. The Public General Statutes, 1906." Vol. 44, 8° London, Rowland Bailey, 1906, pp. 98-100.] 10

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